

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 08-3949

CHARLES J. GUARNIERI, JR.,

v.

DURYEA BOROUGH; DURYEA BOROUGH COUNCIL;
ANN DOMMES, Individually and in her Official Capacity as
Council President; LOIS MORREALE, Individually and in her
Official Capacity as Borough Secretary; FRANK GROBLEWSKI,
Individually and in his Official Capacity as Councilman;
EDWARD ORKWIS, Individually and in his Official Capacity as
Councilman; ROBERT WEBB, Individually and in his Official Capacity
as Councilman; AUDREY YAGER, Individually and in her Official
Capacity as Councilwoman; JOAN ORLOSKI, Individually and in her
Official Capacity as Councilwoman; AKULONIS, Individually
and in his Official Capacity as Councilman,
Appellants

No. 08-4428

CHARLES J. GUARNIERI, JR.,
Appellant

v.

DURYEA BOROUGH; DURYEA BOROUGH COUNCIL;
ANN DOMMES, Individually and in her Official Capacity
as Council President; LOIS MORREALE, Individually and
in her Official Capacity as Borough Secretary;
FRANK GROBLEWSKI, Individually and in his Official
Capacity as Councilman; EDWARD ORKWIS, Individually
and in his Official Capacity as Councilman; ROBERT WEBB,

Individually and in his Official Capacity as Councilman;
AUDREY YAGER, Individually and in her Official Capacity
as Councilwoman; JOAN ORLOSKI, Individually and in her
Official Capacity as Councilwoman; AKULONIS, Individually
and in his Official Capacity as Councilman

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. No. 3-05-cv-01422)
District Judge: Honorable A. Richard Caputo

Argued October 27, 2009
Not Precedential Opinion filed February 4, 2010

Certiorari granted June 20, 2011

On Remand from the Supreme Court of the United States

Before: SLOVITER, FUENTES and HARDIMAN Circuit Judges.

JUDGMENT

This case having been heard on the record from the United States District Court
for the Middle District of Pennsylvania, and having been remanded to this Court by
Order of the United States Supreme Court dated June 20, 2011, it is now here

ORDERED and ADJUDGED by this Court that the Order of the District Court
entered on September 2, 2008 be and same is hereby vacated and remanded. All of the
above in accordance with the opinion of this Court.

Attest:

/s/ Marcia M. Waldron
Clerk

Dated: August 2, 2011